

since the bottles did not each contain  $2\frac{1}{2}$  ounces of the article, but did contain less than  $2\frac{1}{2}$  ounces. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was incorrect.

On July 8, 1935, a plea of guilty was entered on behalf of the defendant company, and on July 10 the court imposed a fine of \$100.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24824. Misbranding of cottonseed cake or meal. U. S. v. Chillicothe Cotton Oil Co. Plea of guilty. Fine, \$50. (F. & D. no. 33898. Sample no. 63712-A.)**

This case was based on an interstate shipment of cottonseed products that contained less protein than declared on the label.

On January 16, 1935, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chillicothe Cotton Oil Co., a corporation, Chillicothe, Tex., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 18, 1934, from the State of Texas into the State of Kansas of a quantity of cottonseed cake or meal which was misbranded. The article was labeled in part: "Cottonseed Cake or Meal Manufactured By Chillicothe Cotton Oil Co. Chillicothe, Texas. Guaranteed Analysis: Protein, Not less than 43.00%."

The article was alleged to be misbranded in that the statement, "Guaranteed Analysis: Protein, not less than 43.00%", borne on a tag attached to the sack containing the article, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it did not contain 43 percent of protein, but did contain a less amount.

On July 6, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$50.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24825. Adulteration of butter. U. S. v. Garst Bros. Dairy, Inc. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 33934. Sample no. 6777-B.)**

This case was based on an interstate shipment of butter that contained less than 80 percent by weight of milk fat.

On February 25, 1935, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Garst Bros. Dairy, Inc., Roanoke, Va., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 1, 1934, from the State of Virginia into the State of New York of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On July 1, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$25 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*